

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to the electronic filing system

The Inspections and Appeals Department hereby adopts new Chapter 16, “Administrative Electronic Document Management System,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 10A.802.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 10A.802.

Purpose and Summary

The adoption of Chapter 16 implements Iowa Code section 10A.802. It establishes an electronic filing system for contested case and other administrative proceedings conducted by the Administrative Hearings Division (Division) of the Department.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6176C**. The Department received one public comment, which made recommendations to increase usability of the administrative electronic document management system (AEDMS) for pro se parties.

The following changes from the Notice were made in association with the public comment received: Paragraph 16.3(1)“a” was revised to clarify that individuals filing, viewing, or downloading documents “in the AEDMS” must register as a registered user of the AEDMS; subrule 16.4(1) was revised to specifically reference the Department’s rule regarding the traditional filing of paper or other electronic documents, which can be found in 481—paragraph 10.12(3)“a”; subrule 16.5(2) was revised to delete the reference to rejection of nonconforming paper documents; subrule 16.6(3) was revised to state that a filer will be electronically notified of a rejected filing and the reason for the rejection; subrule 16.10(2) was revised to delete the requirement that all subsequent filings made by a registered user be electronically filed by the AEDMS; and subrule 16.10(3) was revised to clarify that no other service to those registered users is required unless ordered by the Division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

Adoption of Rule Making

This rule making was adopted by the Department on March 31, 2022.

Fiscal Impact

This rule making does not have a fiscal impact to the State of Iowa in excess of the amounts set forth in Iowa Code section 17A.4.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6. Furthermore, use of the AEDMS is not required. Individuals may continue to utilize paper filing and document management.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making action is adopted:

Adopt the following **new** 481—Chapter 16:

CHAPTER 16
ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

481—16.1(10A) Scope. This chapter governs the filing of documents through the division of administrative hearings’ administrative electronic document management system (AEDMS). To the extent the rules in this chapter are inconsistent with any other administrative rule of the division, the rules in this chapter shall govern. Pursuant to Iowa Code section 10A.802, these rules shall prevail over any other law, including Iowa Code chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision.

481—16.2(10A) Definitions.

“*AEDMS*” means the administrative electronic document management system, the division’s electronic filing and case management system.

“*Agency record*” means for all cases the electronic files maintained in AEDMS, filings the division maintains in paper form, and exhibits and other materials filed with or delivered in relation to a contested case hearing.

“*Confidential*” means agency files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

“*Division*” means the division of administrative hearings in the department of inspections and appeals.

“*Electronic filing*” means the receipt of a document submitted to AEDMS for filing, as confirmed by the transmission of the notice of electronic filing.

“*Electronic record*” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

“*Electronic service*” means the AEDMS electronic transmission of a link where registered users of AEDMS who are entitled to receive notice of the filing may view and download filed documents.

“*File stamp*” means the date and time that is affixed at the top of the first page of a document when it is filed in AEDMS.

“*Nonelectronic filing*” means a process by which a paper document or other nonelectronic item is filed with the division.

“*Notice of electronic filing*” means a document generated by AEDMS when a document is electronically filed.

“*PDF*” means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

“*Protected information*” means personal information, the nature of which warrants protection from unlimited public access, including but not limited to:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

“*Public*” refers to agency files, documents, or information that is not confidential or protected.

“*Registered user*” means an individual who has registered for an electronic filing account through AEDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password.

“*Signature*” means the following:

1. For a registered user electronically filing a document in AEDMS, “signature” means the registered user’s username and password accompanied by one of the following approved signature representations:

- “Digitized signature” means an electronically embeddable image of a person’s handwritten signature;
- “Electronic signature” means an electronic symbol (“/s/” or “/registered user’s name/”) executed or adopted by a person with the intent to sign the document; or
- “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, “signature” means the signatory’s name affixed to the document as a digitized or nonelectronic signature.

481—16.3(10A) Registration, username, and passwords.

16.3(1) Registration.

a. Registration. Every individual filing documents or viewing or downloading filed documents in the AEDMS must register as a registered user of AEDMS.

b. Changes in registered user’s contact information. If a registered user’s email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user’s information contained in AEDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

c. Duties of registered user. Each registered user shall ensure that the user’s email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

d. Division-initiated registration. The division may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the division completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for the AEDMS account.

16.3(2) Use of username and password. A registered user is responsible for all documents filed with the user’s username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

16.3(3) Username and password security. If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the division promptly.

16.3(4) Denial of access. The agency may refuse to allow an individual to electronically file or download information in AEDMS due to misuse, fraud, or other good cause.

481—16.4(10A) Electronic filing not mandatory.

16.4(1) Electronic filing not mandatory. Registration and filing through AEDMS, although encouraged, is not mandatory, and the division shall still accept the traditional filing of paper or other electronic documents as set forth in 481—paragraph 10.12(3) “a.”

16.4(2) What constitutes filing. The electronic transmission of a document to AEDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

16.4(3) Electronic file stamp. Documents filed through AEDMS are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

481—16.5(10A) Filing of paper documents.

16.5(1) Conversion of paper or other electronic documents filed. When a party files a document other than through AEDMS, the division will convert the filed documents to an electronic format viewable to registered users of AEDMS. The original of converted documents need not be retained by the division.

16.5(2) Form of paper documents. Each document must be printed on only one side and be delivered to the division with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the division in an appropriate file folder.

481—16.6(10A) Date and time of filing.

16.6(1) Date of filing. An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day AEDMS is available.

16.6(2) Time of filing. A document is timely filed if it is filed before midnight on the date the filing is due.

16.6(3) Rejected filing. The division may reject electronic filings that do not meet the requirements of this chapter. A rejected electronic filing is not filed. When an electronic filing is rejected, the filer will be electronically notified of the rejection and the reason for the rejection. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved.

481—16.7(10A) Signatures.

16.7(1) Registered user. A username and password accompanied by a digitized, electronic, or nonelectronic signature shall serve as the registered user’s signature on all electronically filed documents.

16.7(2) Format. Any AEDMS filing requiring a signature must be signed with either a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person’s signature:

- a. Name;
- b. Name of firm or governmental agency;
- c. Mailing address;
- d. Telephone number; and
- e. Email address.

16.7(3) Multiple signatures. By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

481—16.8(10A) Redaction of electronic documents.

16.8(1) Responsibilities of filers generally.

a. It is the responsibility of the filer to ensure that a confidential document is certified as confidential.

b. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.

c. The division will not review filings to determine whether appropriate omissions or redactions have been made or whether a document has been properly certified as confidential.

16.8(2) Omission and redaction requirements.

a. *Protected information that is not material to the proceedings.* A filer may redact protected information from documents filed with the division when the information is not material to the proceedings.

b. *Protected information that is material to the proceedings.* When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the division.

c. *Protected information in a confidential document.* Parties are not required to redact protected information from documents that are certified as confidential.

16.8(3) Information that may be redacted. A filer may redact the following information from documents available to the public unless the information is material to the proceedings:

- a.* Driver's license numbers.
- b.* Information concerning medical treatment or diagnosis.
- c.* Employment history.
- d.* Personal financial information.
- e.* Proprietary or trade secret information.
- f.* Information concerning crime victims.
- g.* Sensitive security information.
- h.* Home addresses.

16.8(4) Improperly included protected information. A party may ask the division to restrict access to improperly included protected information from a filed document. The division may order a properly redacted document to be filed.

481—16.9(10A) General requirements when filing documents.

16.9(1) Format. All documents must be converted to a PDF before they are filed in AEDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and orientation and having the scanned content of the document be legible.

16.9(2) Separating documents. Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

16.9(3) Selecting document types. For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into AEDMS, only the division may make corrections to the document type the filer has chosen.

16.9(4) Correcting errors. If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the division as soon as possible. If the division discovers an error in the filing or docketing of a document, the division may notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

481—16.10(10A) Case initiation and service.

16.10(1) Case initiation. A case may be initiated by an agency or governmental entity via AEDMS by the electronic filing of a transmittal form pursuant to rule 481—10.4(10A).

16.10(2) Filings by registered user. To the extent another party to the case is not a registered user, the registered user shall serve those filings upon the nonregistered user pursuant to the applicable rules of contested case procedure and any other controlling law.

16.10(3) Electronic service and distribution of electronic filings.

a. When a document is electronically filed, that document will be served automatically through AEDMS to all parties to the proceeding who are registered users. No other service to those registered users is required unless ordered by the division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until they have filed a withdrawal of appearance or document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

16.10(4) Division-generated documents. All documents issued by the division shall be electronically filed and served upon registered users. Division-generated documents shall be served upon nonregistered users pursuant to the applicable rules of contested case procedure and any other controlling law.

These rules are intended to implement Iowa Code section 10A.802.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.